

Chapter 13 – Permits by Commission

The following requirements/procedures pertain to all uses and activities that require a Site Plan or Special Permit, and therefore review and approval by the Commission. All applications for Site Plan approval must show conformance with Chapter 11 (Site Design Requirements).

1301 PRELIMINARY CONCEPT PLAN

- A. Applicability.** If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission.
- B. Concept Plan Review**
1. A Concept Plan shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.
 3. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.
 4. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

1302 SITE PLAN APPLICATION

1302.1 Applicability

- A.** Except as may be expressly provided elsewhere in these Regulations, a Site Plan application shall be submitted:
1. for any proposed new use designated in the Regulations as requiring Site Plan or Special Permit approval. In the event that a proposed Site Plan is being submitted in connection with a Special Permit application, the Commission's review of the Site Plan application shall be deemed to be an integral component of the Special Permit review;
 2. in a Residential zone, for any construction, development, expansion, or major alteration of any non-residential use; and/or
 3. for any expansion or other alteration of any existing use designated in the Regulations as requiring Site Plan or Special Permit approval if such change would affect the layout of any structure, facility, parking or loading area, or other physical feature shown on a previously approved Site Plan or, if no previous Site Plan was approved for such use, if such physical feature(s) would have been required to be shown on a Site Plan for a new use under any other provision of these Regulations. As used in this § 1302, the term "expansion" includes, but is not limited to, any change that does or is likely to increase the number of parking spaces required by § 1104 of these Regulations.
- B.** A new or revised Site Plan shall not be required for:
1. interior remodeling work;
 2. changes in exterior mechanical equipment, dumpsters or storage structures that

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occupy less than 200 square feet of floor area; or

3. changes in the location of existing fences, or new fence locations.

1302.2 Submission Requirements

- A. A Site Plan application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
- B. A Site Plan application shall be accompanied by detailed plans, signed and sealed by one or more appropriate professionals. Generally, in order to determine the compliance of a Site Plan with the applicable provisions of these Regulations, the Commission will require the applicant to provide all information specified in the “Site Plan Check Sheet” in Appendix D of these Regulations. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will be in compliance with the substantive provisions of these Regulations.
- C. A Soil Erosion and Sediment Control Plan in accordance with the requirements of § 1205 shall be submitted when the disturbed area of any development is more than 1/2 acre.
- D. A Stormwater Management Plan in accordance with the requirements of § 1112 shall be submitted when the disturbed area of any development is more than one acre, or more than 1/2 acre if the parcel falls within a Water Supply Protection Overlay district.
- E. A Utilities Plan shall be submitted to demonstrate the adequacy of on-site water supply and sewage disposal facilities to serve the needs of all proposed uses. The Utilities Plan should also include comment on the availability of water for any fire-fighting needs that may arise in connection with the proposed uses. The applicant must submit a copy of the Utilities Plan to the Town’s Director of Health and Fire Marshal no later than the date the application is filed with the Commission.
- F. A Landscape Plan shall be submitted with any applications for new construction, or alterations to the size of existing buildings, parking, loading, and driveway areas, or a change in use that will expand the size of the building or parking, loading, and driveway areas. Landscape plans and designs shall include a planting list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing plantings shall be identified on the plan. All landscape designs shall be sensitive to the character of the surrounding properties and area and shall use native species. Invasive species shall be prohibited as part of any landscape plan.
- G. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

1302.3 Proceedings

- A. An incomplete Site Plan application may be denied in accordance with Subsection 1306.C.
- B. If a Site Plan application involves an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Planning and Zoning Commission.

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- C. If the Commission finds that any proposed new construction or other activity is significant, the Commission:
 - 1. may hold a public hearing on the application; and
 - 2. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 1306.G of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 1306.H.
- E. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing by the Commission (such as a Special Permit application or a Zone Change application), the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application.
- F. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within 65 days after the date of receipt of such Site Plan application, **regardless of whether the Commission holds a public hearing on the application**, except that the applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed an additional 65 days.
- G. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands Commission (“IWC”), the time period for a decision shall be extended to 35 days after the decision of the IWC.
- H. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
- I. The applicant may, at any time prior to action by the Commission, withdraw such application.

1302.4 Considerations

- A. On a Site Plan application involving an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive, the Commission shall:
 - 1. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision; and
 - 2. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- B. On a Site Plan application involving notice to adjoining municipalities, the Commission shall give due consideration to any report or testimony received from such municipalities.
- C. No Site Plan application shall be approved unless it is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 11.

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- D.** The Commission may modify and approve any proposed Site Plan if it determines such modifications are needed to satisfy the applicable requirements of these Regulations.
- E.** The Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.
- F.** The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless the implementation of such Site Plan would remedy such violation.
- G.** The submission of any application for Site Plan approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of § 1102.3 of these Regulations, and an acknowledgment that any approval of the Site Plan by the Commission will be made in reliance on that certification. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Site Plan shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Site Plan.

1302.5 Action Documentation

- A.** Whenever it modifies or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
- B.** The Commission shall send, by certified mail, a copy of any decision to the applicant within 15 days after such decision is rendered.
- C.** The Commission shall cause notice of the approval or denial of Site Plans to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
- D.** In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten days thereafter.
- E.** On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within 15 days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

1302.6 Following Approval

- A.** Following approval of a Site Plan application, one fixed-line mylar copy and three paper copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:

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1. bearing the raised seal and signature of the appropriate professionals who prepared the drawing(s);
 2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity; and
 3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- B.** Following signature by the Chairman, such plans shall be filed in the Planning and Zoning Office before any Zoning Permits are issued for the activities shown on the approved plan.

1302.7 Expiration and Completion

- A.** Any Site Plan approval under which the construction of any proposed building has not been commenced within 12 months from the date of such approval, shall expire unless the Commission, upon a showing of good cause for the delay, allows a longer time period, not to exceed 24 months from the date of approval. For the purposes of this section, the construction of a building will be deemed to have commenced when foundation or exterior walls have begun to be emplaced or built.
- B.** Except as may be provided by state law, all work in connection with a Site Plan shall be completed within five years after the date of approval of the plan. Failure to complete all work within such five-year or other required period shall result in automatic expiration of the approval of such Site Plan unless the Commission, upon a showing of good cause for the delay, grants an extension of the time to complete work in connection with such Site Plan.
- C.** The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Plan, provided the total extension or extensions shall not exceed ten years from the date of approval of such Site Plan, unless otherwise provided or allowed by state law.
- D.** The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

1303 SPECIAL PERMIT APPLICATION

1303.1 Applicability

- A.** A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.
- B.** Notwithstanding the above, a Special Permit application shall not be required for any modifications to a previously approved Special Permit use if such modifications would not change the essential character of the use and would not require the submission of a new or modified Site Plan pursuant to § 1302.1 of these Regulations.

1303.2 Submission Requirements

- A.** A Special Permit application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
- B.** Each application for a Special Permit shall be accompanied by a Site Plan application.

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If the applicant believes that the proposed use will not require any changes in a previously approved Site Plan, he or she may submit a copy of the previously approved Site Plan and need not submit any of the additional information or materials noted in the “Site Plan Check Sheet” found in Appendix D of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria. However, the Commission may require the submission of additional materials or information from the “Site Plan Check Sheet” if it finds that the application materials are inadequate to evaluate the application or if the proposed Special Permit uses may require modifications to the previously approved Site Plan.

- C. The Commission may require the submission of any additional information it may deem necessary to determine compliance with any applicable provisions of these Regulations.

1303.3 Proceedings

- A. An incomplete Special Permit application may be denied in accordance with § 1306.C.
- B. If a Special Permit application involves an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Planning and Zoning Commission.
- C. The Commission shall hold a public hearing on the Special Permit application and:
 - 1. publish a legal notice in accordance with the requirements of § 1306.F of these Regulations, and
 - 2. require that the applicant give notice to property owners in accordance with the requirements of § 1306.G of these Regulations.
- D. Notification to adjoining municipalities may be required in accordance with § 1306.H.
- E. The Commission shall process the Special Permit application and any accompanying Site Plan application within the period of time specified in § 1306.D.
- F. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the 35th day after a decision by the Inland Wetlands Commission (“IWC”), the time period for a decision shall be extended to 35 days after the decision of the IWC.
- G. The applicant may, at any time prior to action by the Commission, withdraw such application.

1303.4 Special Permit Criteria. In considering an application for a Special Permit, the Commission shall evaluate the merits of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:

- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 11, and that the standards for approval of any accompanying Site Plan application have been met;

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- B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
- C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the zoning district in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
- D. that no adverse effect would result to the character of the district, property values, or historic features of the immediate neighborhood;
- E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use and architectural design;
- F. In accordance with CGS § 22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and
- G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the North Stonington Plan of Conservation and Development.

1303.5 Decision Considerations

- A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:
 - 1. the Special Permit criteria in § 1303.4 of these Regulations; and
 - 2. all other applicable provisions of these Regulations.
- B. On a Special Permit application involving an activity regulated pursuant to CGS § 22a-36 to § 22a-45, inclusive, the Commission shall:
 - 1. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision; and
 - 2. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- C. On a Special Permit application involving notice to adjoining municipalities under § 1306.H, the Commission shall give due consideration to any report or testimony received from such municipalities.
- D. The Commission may approve an application for a Special Permit, deny the application, or approve the application subject to such conditions as it may deem necessary to protect the public health, safety, welfare, property values, and natural resources of the state. The Commission may also require that some or all conditions of approval be met prior to the issuance of the Zoning Permit by the Zoning Enforcement Officer.
- E. The approval of any Special Permit for any property on which there exists a zoning violation shall be deemed conditioned, whether expressly specified in the decision or not, upon the remediation of such violation, and no Zoning Permit or Certification of

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Zoning Compliance may be issued for such Special Permit uses until any such violation has been remediated.

- F. The submission of any application for Special Permit approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of § 1102.3 of these Regulations, and an acknowledgment that any approval of the Special Permit by the Commission will be made in reliance on that certification and that such approval is conditioned on continuing conformance with those standards, whether or not such condition is expressly stated on the record. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Special Permit shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Special Permit.

1303.6 Action Documentation

- A. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.
- B. The decision to grant a Special Permit shall:
 - 1. state the name of the owner of record;
 - 2. contain a description of the premises to which it relates;
 - 3. identify the section and/or § of the Regulations under which the Special Permit was granted or denied; and
 - 4. specify the nature of the Special Permit.
- C. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within 15 days after such decision is rendered.
- D. The Commission shall cause notice of the approval, approval with conditions, or denial of the Special Permit application to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
- E. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1303.7 Following Approval

- A. A Special Permit granted by the Commission shall become effective only upon the filing of a copy of the Special Permit, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS § 8-3d.
- B. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.
- C. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the original permit, provided, however,

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that no such revocation shall be ordered unless the Commission or its agent provides written notice of the violations to the current landowner and the Commission provides the landowner with an opportunity for a hearing on the violations.

- D. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit, except that amendments the Commission finds to be of a minor nature, that result in no significant change in the use or its intensity, and that do not materially alter the Special Permit, may be authorized with Commission approval only, without another public hearing.

1304 TEXT AMENDMENT APPLICATION

A. **Applicability.** A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any provisions of these Regulations.

B. Submission Requirements

1. A Text Amendment application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Text Amendment application shall be accompanied by ten copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. The Commission may, but shall not be required to, hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of 12 months.

C. Proceedings

1. The date of receipt for the Text Amendment application shall be determined in accordance with § 1306.B.
2. An incomplete Text Amendment application may be denied in accordance with § 1306.C.
3. The Commission shall hold a public hearing on the Text Amendment application and shall cause a legal notice to be published in accordance with the requirements of § 1306.F of these Regulations.
4. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SCCOG on its Internet web site for receipt of such notice, not later than 30 days before the public hearing to be held on the Text Amendment application. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SCCOG confirming receipt of such notice, then, not later than 25 days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SCCOG. SCCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SCCOG

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does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with § 1306.H.
6. Notification to water companies may be required in accordance with § 1306.I.
7. A copy of the proposed Text Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten days before the public hearing.
8. The Commission shall process the Text Amendment application within the period of time specified in § 1306.D.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission may approve, modify and approve, or deny the changes requested in such Text Amendment application.
2. Zoning regulations shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20% or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property affected by the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission
3. On a Text Amendment application involving notice to adjoining municipalities, water companies, or SCCOG:
 - a. any report received from those agencies shall be made a part of the record of such hearing; and
 - b. the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall:
 - a. consider whether the Text Amendment would be in accordance with a comprehensive plan; and
 - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS § 8-23.
5. In accordance with CGS § 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

E. Action Documentation

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.
2. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
3. The Commission shall establish an effective date for any Text Amendment. A notice of the decision of the Commission must be published before such effective date in a newspaper

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having a substantial circulation in North Stonington. A copy of the Text Amendment, as approved, must also be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Text Amendment in the Town Clerk's office, whichever is later.

4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within 15 days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in North Stonington within 15 days after such decision is rendered.
6. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1305 ZONE CHANGE APPLICATION

A. **Applicability.** A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

B. Submission Requirements

1. A Zone Change application shall be submitted to the Planning and Zoning Office and shall include a completed application form and the appropriate fee.
2. A Zone Change application shall be accompanied by ten copies of a map showing the location and boundaries of all lots, or portions of lots, proposed to be rezoned. If, and to the extent that, the zone change does not follow established lot lines, the proposed new zone boundaries must be shown on a map signed and sealed by a land surveyor licensed in the State of Connecticut.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Zone Change application may be submitted only by:
 - a. an owner of the real property proposed for the zone change; or
 - b. persons who submit evidence of a substantial legal interest in the property proposed for the zone change.

The Commission also may propose and consider a Zone Change on its own initiative.

5. The Commission may, but shall not be required to, hear a Zone Change application that has been rejected for a period of one year after the date of rejection.

C. Proceedings

1. The date of receipt for the Zone Change application shall be determined in accordance with § 1306.B.
2. An incomplete Zone Change application may be denied in accordance with § 1306.C.
3. The Commission shall hold a public hearing on the Zone Change application and shall:

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- a. publish a legal notice in accordance with the requirements of § 1306.F of these Regulations; and
 - b. require that the applicant give notice to property owners in accordance with the requirements of § 1306.G of these Regulations.
4. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a proposed Zone Change is located within 500 feet of the boundary of another Connecticut municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SCCOG on its Internet web site for receipt of such notice, not later than 30 days before the public hearing to be held on the Zone Change application. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SCCOG confirming receipt of such notice, then not later than 25 days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SCCOG. SCCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SCCOG does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with § 1306.H.
6. Notification to water companies may be required in accordance with § 1306.I.
7. The Commission may refer any Zone Change application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
8. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten days before the public hearing.
9. The Commission shall conduct the public hearing within the period of time specified in § 1306.D.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

D. Decision Considerations

1. The Commission may approve, modify and approve, or deny the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities, water companies, or SCCOG:
 - a. any report received from those agencies shall be made a part of the record of such hearing; and
 - b. the Commission shall give due consideration to any report or testimony received.
3. Changes in zone district boundaries should be:
 - a. in harmony with the Plan of Conservation and Development for the Town of North Stonington, as amended;

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- b. consistent with a comprehensive plan;
 - c. where possible, constitute logical extensions of like or compatible districts; and
 - d. where appropriate, along property lines or easily distinguishable geophysical features.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS § 8-23.
 5. In accordance with CGS § 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed Zone Change with the Plan of Conservation and Development.
 6. Zone boundaries shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of 20% or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

E. Action Documentation

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
 - a. the reasons for its decision; and
 - b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. The Commission shall establish an effective date for any Zone Change. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in North Stonington, and a copy of the Zone Change must be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Zone Change in the Town Clerk's office, whichever is later.
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within 15 days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published, within 15 days after such decision is rendered, in a newspaper having a substantial circulation in North Stonington.
5. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

1306 PROCEDURAL REQUIREMENTS

A. Application Submittal Requirements

1. Applications to the Commission shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office

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for the type of application being submitted.

3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
 4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
 5. Applications shall be signed by the applicant.
 6. Applications shall also be signed by an owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.
- B. Date of Receipt.** For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:
1. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Planning and Zoning Office; or
 2. 35 days after submission, whichever is sooner.
- C. Incomplete Applications**
1. The Planning and Zoning Office shall review each application and shall advise the Commission whether such Office believes the application is substantially complete and, if not, what information or materials it believes are missing. The Commission shall have the final discretion to determine whether an application is substantially complete.
 2. *It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application. The Commission may deny an incomplete application or an application submitted without the requisite fee.*
- D. Hearings.** Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate. Whenever a public hearing is required on an application described in this Chapter 13, the Commission shall process the application within the period of time permitted under CGS § 8-7d, as follows:
- a. the public hearing shall commence within 65 days after the official date of receipt of the application;
 - b. the public hearing shall be completed within 35 days after such hearing commences;
 - c. all decisions shall be rendered within 65 days after completion of such hearing;
 - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than 65 days; and
 - e. the provisions of §§ a through d shall not apply to any action initiated by the Commission.
- E. Consultations**
1. On any application, the Commission may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
 2. On any application, the Commission may retain an engineer, architect, landscape architect,

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professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in North Stonington.
2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than 15 days, nor less than ten days, before the date of the hearing, and the last not less than two days before the date of the hearing.

G. Notification to Property Owners

1. When required by these Regulations, the applicant (other than the Commission) shall notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or outside North Stonington, of a pending application by mailing a notice at least 15 days prior to the first scheduled hearing.
2. At a minimum, such notice shall consist of:
 - a. a description of the proposed activity;
 - b. notification of the date, time, and place of the first scheduled hearing; and
 - c. a copy of the application form submitted to the Commission.
3. The applicant shall prove such mailing by submitting, at or prior to the first scheduled hearing regarding the application:
 - a. a copy of the complete package of information sent to abutters;
 - b. a list of the abutters to whom the notices were sent; and
 - c. certificates of mailing from the U.S Postal Service, provided that the Commission may accept other proof of mailing or delivery that it deems equivalent to such certificates.
4. The most recent Assessor's records on file in the North Stonington Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

H. Notification to Abutting Municipalities

1. As required by CGS § 8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;
 - b. a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site;
 - c. a significant portion of the sewer or water drainage from the project would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
 - d. water runoff from the improved site would impact streets or other municipal or private

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property within the adjoining municipality.

2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven days of the day of the submission to the Planning and Zoning Office of the application, petition, request or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

I. Notification to Water Companies

1. As required by CGS § 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission concerning any project on any site that is within:
 - a. an aquifer protection area, provided such area has been delineated in accordance with CGS § 22a-354c; or
 - b. the watershed of a water company, provided such water company or said commissioner has filed a map with the Commission and on the North Stonington land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office or the application may be considered incomplete:
 - a. a copy of the complete package of information; and
 - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

J. Notification of DEEP

1. If any portion of the property which is the subject of an application is located within an area designated as “State and Federal Listed Species & Significant Natural Communities” on the most current Natural Diversity Data Base Areas map for North Stonington prepared by the Connecticut Department of Energy and Environmental Protection (DEEP), the applicant must notify DEEP of the application.
2. A report from DEEP shall be a required for any application for Site Plan approval or a Zoning Permit for any such property, and any such application submitted without a DEEP report shall be considered incomplete (see § 1306.C).

- K. Beneficiaries of a Trust.** Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with the application a sworn statement disclosing the name(s) of the equitable owner(s) of such real

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property or the beneficiary(ies) of the trust.

L. Bonds

1. Where a bond or surety is required by any Commission decision, it shall be in one of the following forms, and the ZEO shall require evidence of compliance with the following standards before accepting any bond:
 - a. cash deposited with the Town;
 - b. certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC;
 - c. bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC; or
 - d. irrevocable letter of credit naming the Town as sole beneficiary, provided that:
 - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut, so long as:
 - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, “NAIC”) as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
 - the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor’s rating service or Baa or better by Moody’s rating service.
 - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
 - iii. If and when such letter of credit shall, through the passage of time, have less than 30 days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
 - e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
2. Any required bond shall not be released by the Commission until:
 - a. the release has been requested, in writing, by the applicant;
 - b. the ZEO has submitted a letter stating that all pertinent conditions and requirements of the Commission’s approval have been satisfied; and
 - c. the applicant’s engineer or surveyor has certified to the Commission, through submission of a set of detailed “Record” plans on mylar, that all improvements and other work pertinent to the bond are in accordance with submitted site plans;
3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in § 1306.L.2.

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